

WOMAN LAWYER IN LOCAL COURT

Miss Philbrook, of New Jersey, appeared in Case in This City Yesterday.

FIRST AT VIRGINIA BAR

Young and Handsome and Uses Legal Language With Great Facility.

There was something new under the sun in the United States Circuit Court of Appeals yesterday, at least new under the Virginia sun. A woman lawyer appeared to argue a case before the honorable judges of this court. She was duly qualified by being sworn in as a practicing attorney, but she will not practice here any great length of time, as she has only one case on the docket, and in all probability will never have another. The young woman in question is Miss Mary C. Philbrook, who came from Newark, N. J., to try to get a young fellow out of the United States Navy.

The Case.
The case, as it stands on the docket, is entitled A. C. Dillingham vs. Zebeked F. Bakley and Bertha Bakley, and it comes up as an appeal from the United States District Court at Norfolk. Dillingham is the commander of the United States training ship Franklin, and one of the young tars on his ship is Alfred F. Bakley, "son of Zebeked," as he is called. The mother, Bertha, got her boy out of the navy and put him back in school, went to the courts to accomplish that purpose. Captain Dillingham resisted, and in the court at Norfolk he won his case. The Bakleys, who are residents of Newark, N. J., appealed, and in that way the case finds its way to the Circuit Court of Appeals in this city.

Miss Philbrook, who is a practicing attorney in the courts of Newark, was employed by the Bakleys to fight the case through the higher courts, and she reached this city yesterday morning to attend to that business. Miss Philbrook is a young woman, certainly not over twenty-five, and, judging by her modesty, she has not been a member of the bar very long. But she is a lawyer all right, and knows how to say her say, as she proved yesterday in presenting her case to the able judges. She is a medium-sized brunette, rather handsome, and has a most bewitching way of emphasizing her remarks with an animated flash of her large, dark, brown eyes. She had evidently studied her case well, knew just what she wanted to say, and said it in a straightforward way, using legal terms just like a man.

First to Appear Here.
It was the duty of Judge Lewis, District Attorney, and Mr. Robert H. Talley, Assistant Attorney, to oppose Miss Philbrook's motion for the discharge of the young lawyer, and they did as well as might be expected under the circumstances.

It was not known on the outside that a woman lawyer was to appear in the court yesterday, and she had only a small audience; but if it had been known, there would not have been a vacant seat in the courtroom.

The court has the case under advisement, and it remains to be seen if the first woman to appear at the bar in Virginia won out.

APPEAL DISMISSED. Circuit Court of Appeals Disposes of Zell Case.

Frank D. Zell's appeal from Judge Waddell's decree, confirming the sale of the Bay Shore Terminal Railway case, was dismissed by the Circuit Court of Appeals yesterday in a per curiam opinion. The Circuit Court of Appeals held that it found no error in the decree appealed from, including the insistence of appellant that the jurisdiction of the court below was obtained by collusion. The order of the Circuit Court staying all the proceedings in the lower

"Berry's for Clothes."



Big Sale of Hats.

Just received shipment of a manufacturer's surplus of Derbys and Soft Hats, bought at a great sacrifice by taking the whole lot.

There are too dozen of 'em, but they won't last long at

\$1.65 each

as soon as you get a peep at the grade.

Regular \$3.00 and \$3.50 Derbys and Soft Hats.

Choice, only **\$1.65**

Sale begins this morning.

O.H. Berry & Co.

court pending this appeal was vacated by the Circuit Court of Appeals.

The following cases were argued yesterday:
No. 702. *Cushman W. Mitchell, appellant, vs. Mitchell, Trustees*; appeal from District Court at Raleigh, N. C., argued by James H. Fox, of Raleigh, N. C., for the appellant, and by Murray Allen, of Raleigh, N. C., for the appellee, and submitted.

No. 701. *A. C. Dillingham, Commander, etc., appellant, vs. Zebeked F. Bakley et al., appellees*; appeal from District Court at Norfolk, Va., argued by Judge L. J. Lewis, for the appellant, and by Miss Mary C. Philbrook, of Newark, N. J., for the appellees, and submitted.

No. 700. *John T. McGraw, Receiver, appellant, vs. Jesse Rosenthal et al., appellees*; appeal from the Circuit Court at Parkersburg, W. Va., argued on motion to dismiss by H. C. Duncan, of Huntington, W. Va., for the appellant, and by J. J. Frank, of New York, for the appellee. Motion granted, cause dismissed.

No. 704 and 674 will be in the call tomorrow. Court adjourned until tomorrow at 10 o'clock.

FIRST TEA CROP.

South Carolina Markets Crop on Commercial Scale.

CHARLESTON, S. C., December 11.—Marketing was begun today of the first crop of American tea ground on a commercial scale. Twelve thousand pounds have been raised on a plantation in Colleton county, a few miles from Charleston. For several years tea has been marketed from Pinckney, the government experimental garden at Summerville, but the product marketed to-day is the first of a purely commercial venture. The output next year promises to be very large.

AMUSEMENTS

Academy—Dark.
Bijou—"The Wife's Secret."
Bostock's—Wild Animal Show.
Idlewood—Skating Rink.

Because the animals in the Bostock Wild Animal Arena in Idlewood have been good—that is, they have not, with one exception, torn or injured a trainer—there is cause for apprehension rather than congratulation on the part of every one of the animal trainers and keepers in the arena.

A talk with both the women and the men trainers last night elicited the information that they were one and all momentarily expecting some one or more of the beasts under their charge to fly into a rage and tear them. None of the trainers in Bostock's company brag of the long immunity they have had from injuries. They say that each time they come from the big steel arena after giving an exhibition and have not been injured by their animals they feel that the next time they put the beasts through their stunts a slap of sharp claws or perhaps a crunching of some animal's jaws will do for them what every trainer learns to look on as only a part of his or her regular day's work.

When an animal in the arena bucks and refuses to obey the master or mistress, it then becomes imperative for that trainer to make the animal obey and do its stunt. Failure once to make an animal obey means loss of control, and once an animal sees—and they are quick to appreciate the situation—that it has evaded or got the better of a trainer, just that soon the usefulness of that trainer ends so far as that animal is concerned, and the other beasts soon note the mastery gained by one of their kind, and are only too quick to take advantage of the new situation.

Skating enthusiasts and patrons of the big rink at Idlewood are much pleased over the announcement that the attraction for next week would be a game of roller polo. Knowing the vast amount of fun and amusement in a lively polo match, the fact of its being played on rollers has enlivened the interest in the sport, and without doubt one of the largest crowds of the season will see the game on Friday night.

The pictures now being shown and

those that will be shown on Friday night are in themselves well worth a trip to the rink and are sources of much pleasure to the patrons. The big rink is heated comfortably.

Al. H. Wilson, the clever German dialect comedian, in Sidney R. Ellis's new play of picturesque Switzerland, "Metz in the Alps," will be the offering at the Academy Thursday, matinee and night. There are some men who sing, some who act, and some who compose songs, but there are few who do all. There is one, however, who does, and puts originality in all of them, and that is Al. H. Wilson, who has written several beautiful ballads, which have become very popular; has been the star of several successful plays; and his new one of picturesque Switzerland, "Metz in the Alps," is adding to his already great popularity and gaining him many new friends. He has created a school of singing that is being copied by many prominent actors.

Theodore Bart Sayre, in the new play, "Eileen Ashore" (Ellen, my treasure), which he has written for Chauncey Olcott, has provided the popular comedian with a most happy role, combining romance of a D'Artagnan sort with tender love scenes and moving dramatic situations, and affording the sweet singer opportunities for presenting the ballads which his admirers demand. He has written and composed four new songs, especially for this production, which Manager Augustus Pitou announces will be his most notable. Mr. Olcott will present his new play at the Academy Friday and Saturday, with matinee on Saturday.

Mr. Gus Hill, owner of "In Gay New York," the attraction at the Bijou Theatre for next week, was in Richmond yesterday. He left in the afternoon for Norfolk and Old Point Comfort, taking with him several scenic artists. Mr. Hill will star Joe Welsh in "The Shoemaker," a new play for next season. One of the scenes is laid around Old Point Comfort. The play will be on the boards by the 1st of February.

WRIT OF ERROR FOR JOHN WRIGHT

Alexandria Negro Who Was to Hang Next Friday May Get Off.

NEW EVIDENCE AND ALIBI

Grounds Upon Which Review of Case Is Asked by Lawyer Clements.

Joseph Thomas, alias John Wright, will not hang next Friday in Alexandria for criminal assault on a young white woman of Washington city named Mabel Risley. Wright's attorney, Mr. James C. Clements, yesterday obtained from Judge Keith, of the Supreme Court of Appeals, a writ of error, which will at least postpone the hanging. The case will be further heard by the Court of Appeals some time in January.

The petition on which the writ was granted, claims that new evidence has been found, and that the verdict on the circumstantial evidence as adduced at the trial was due more to public clamor than to real evidence, and that the case is one for review by the highest court in the State.

According to the petition there are two primary facts that underlie the prisoner's defense. One was the alleged total failure of Miss Risley to identify the prisoner as the guilty party at the criminal and psychological moment when she was first confronted with him, face to face, at the United States Jail in Washington city. Four of the officers of the jail testified most positively that Miss Risley, when six other prisoners, along with Wright, were lined up before her, picked out another man, and declared that he was the man who had assaulted her, and this man, called "Alabama Joe," whom she identified, had been in jail since January last.

The other fact alleged is the prisoner's alibi. The prisoner, Wright, took the stand, and declared he had never been at Luna Park, where the assault occurred; that he had never seen Miss Risley until he saw her at the United States Jail; that he never drank, smoked or carried a pistol, and in the afternoon of the day of the alleged assault (this being Sunday) he was out driving with a colored girl in a different direction from Luna Park, and her testimony confirmed the fact, as did the statement of the proprietor of the stables from whom he hired the horse buggy. The prisoner testified that Wright was at his stable at 3:30 P. M., and the assault is alleged to have occurred at Luna Park, four miles away, at 8:15. Mr. Clements thinks this was a strong enough alibi.

RAILROAD CLUB HAS SPLENDID EVENING

Lady Friends Entertained and Luncheon Served at the Richmond.

A most enjoyable meeting of the Richmond Railroad Club was held at the Richmond Hotel Monday night, the lady friends of the members having attended by special invitation.

No business was transacted, and the evening was given up entirely to pleasure. The program embraced many interesting features, among them having been a performance by Mr. E. Clinton Adams, of Detroit, a noted sleight-of-hand artist. Music was made by the Railroad Y. M. C. A. Band, and a most delightful luncheon was served in the Dutch room of the hotel.

In the absence of President W. F. Cope and First Vice-President H. M. Royle, Second Vice-President E. H. Lea presided.

Second known as "ladies night" with the club, and it was in every way a most enjoyable occasion.

Mr. Adams, who is quite an artist in his line, entertained those present for more than an hour and his performance provoked loud applause.

Jesse Verser Returns.

Jesse Verser, the eleven-year-old son of Mr. and Mrs. J. O. Verser, No. 21 Leigh Street, who disappeared last Friday evening, has returned.

ANNUAL REPORT OF SEC'Y OF WAR

Army Has Decreased Fourteen Hundred Men Within Last Twelve Months.

ABSENTEEISM OF OFFICERS

Recommends That Practice Be Abolished—Is Hurtful to the Good of the Service.

WASHINGTON, D. C., December 11.—The annual report for the year 1905 was made public yesterday.

The army for the year 1905, was composed of 270 officers and 95,641 enlisted men, not including 2,300 men of the hospital corps, 25 officers and 523 men of the Porto Rico regiment, and 115 officers and 5,669 men of the Philippine army.

At the date of the last reports received from the military departments (October 15, 1906) the actual strength of the regular army was 2,709 officers and 54,669 enlisted men, distributed as follows:

Geographical distribution.	Officers.	Enlisted men.	Total.
In the United States, 2,467	2,467	38,242	40,709
In Alaska, 6	6	750	756
In the Philippines, 72	72	11,219	11,291
In Porto Rico, 4	4	5	9
In Cuba, 28	28	4,624	4,652
In Hawaii, 5	5	219	224
Troops on route and officers at other foreign stations, 121	1,211	1,751	2,962
Total, 2,709	2,709	54,669	57,378

This is not a decrease of the regular army during the year of 1,446 officers and men.

The present maximum authorized strength of the regular army is 6,438 enlisted men.

OFFICERS

On June 30, 1905, there were 2,770 officers of the regular army. Of these, 807 (including 66 chaplains) were general officers or officers of the staff corps and departments, and 2,963 belonged to the line. Of the general and staff officers, 784 were present for duty, 19 were absent sick, 38 on leave, 9 on graduating leave, and 52 on detached duty. Of the line officers, 2,659 were present for duty, 45 were absent sick, 31 on leave, 69 on graduating leave, 17 on detached duty, and 3 in arrest.

The absenteeism of company officers from their commands on detached service is excessive. Many regimental officers complain of it, and several department commanders comment on it in their annual reports. Over eighty-two per cent. of the officers on detached service on June 30, 1905, were captains or lieutenants of the line. The duties upon which detached off-

icers are engaged are all necessary and useful, and in the main are of a military character and calculated to exert a broadening influence upon the officers thus engaged. It goes without saying, however, that the details of company officers ought not to be so many as to interfere with the discipline and efficiency of their commands. Some commanding generals are of the opinion that this point has been reached, and that this condition of affairs contributes to a restlessness and dissatisfaction on the part of enlisted men which is not without its effect in the matter of desertions.

There were ninety-six second lieutenants appointed in the army during the past fiscal year, seventy-seven of them being appointed from the Military Academy, while nineteen were enlisted men. No civilians were appointed, there being no vacancies to which such appointments could be made under existing regulations.

Enlisted Men.

The total number of enlistments in the army during the fiscal year ended June 30, 1906 (exclusive of the Hospital Corps and Philippine Scouts), was 21,662. Of this number 13,293 were re-enlistments and 8,369 were original enlistments. The percentage of native born among the original enlistments was 73. The corresponding figures for the preceding fiscal year (1905) are as follows: Total enlistments 13,720, of which 12,293 were re-enlistments and 1,427 were original enlistments.

Of the 24,683 accepted applicants, 21,337 were native born, 2,983 were of foreign birth, 11 were Indians, 12 were born in the Philippine Islands (enlisted for band musicians), and 79 were born in Porto Rico.

Of the 24,683 accepted applicants, 22,627 were white, 1,223 were colored, 11 were Indians, 79 were Porto Ricans, and 15 were Filipinos. Twenty-three thousand three hundred and eighty-one were enlisted for the line of the army, 62 for the staff departments, and 21 for the Porto Rico Provisional Regiment of Infantry.

In making these 24,683 enlistments for the line of the army and the Porto Rico Regiment the recruiting officers examined 81,156 men, of whom 67,234, or about 81 per cent. of the whole number, were rejected as lacking in either mental, moral, or physical qualifications. Of the applicants for enlistment in the line 2,168 were rejected as aliens and 4,788 as illiterate. During the fiscal year 1906, 531 Filipinos were enlisted for the Philippine Scouts, as compared with 4,357 during the preceding

THE... Christmas Sale OF Fine Pianos AT STIEFF'S

You are wondering, possibly, what present you will make to your wife, daughter or son. Why not buy a Piano, which will help gladden and brighten the "Xmas-tide" and make the entire home happy for years to come. Our stock was never more complete with Pianos of all grades. We would suggest, however, a "STIEFF"—"the sweet-toned Piano"—an instrument enjoyed in more Southern homes than any other Piano.

We Will Offer for the Holiday Trade Special Discounts.

Make your selection now, and we will hold your Piano and deliver it at Xmas-time, if you desire it.

We invite you to call and inspect our complete stock of instruments, which is one of the largest and finest in the South.

If you live out of the city, write to us. Special attention given to "out-of-town" correspondence.

Chas. M. Stieff,

Established 1842.

L. B. SLAUGHTER, Manager.

205 East Broad Street.

CHEW

Grape

MADE IN RICHMOND TOBACCO.

army during the fiscal year ended June 30, 1906, was 2,412.

GEN. SHERWOOD ELECTED.

Democratic Candidate for Congress Is Sustained by Courts.

COLUMBUS, OHIO, December 11.—General Isaac R. Sherwood, Democratic candidate for Congress from the Ninth District, will get the certificate of election. The Supreme Court so decided today. The court sustained the demurrer of General Sherwood to the mandamus petition of Elmer G. McCallan, the Republican candidate, to compel the State Canvassing Board to continue notice of the fact that a part of the vote cast for General Sherwood was upon an independent ticket. The court refuses to do this.

Any Smoker Will Tell You

that McCOY'S MISCO is the best 5c cigar in Richmond. A trial convinces. Try one—be convinced—then get a box for Christmas.

Foss' Christmas Candies.

I have a large stock of the celebrated Foss' Fine Candy, put up in beautiful holiday boxes. This is the only candy ever receiving a government report—absolutely pure.

PURE ALBEMARLE CIDER, the real pure article—a most refreshing drink.

W. S. McCOY, Murphy's Annex,
Eighth and Broad Sts.



W. L. DOUGLAS
BEST IN THE WORLD
\$3.50 SHOES
FOR MEN

W. L. Douglas shoes are recognized by expert judges of footwear to be the best in style, fit and wear produced in this country. Each part of the shoe and every detail of the making is looked after and watched over by skilled shoemakers, without regard to time or cost. If I could take you into my large factories at Brockton, Mass., and show you how carefully W. L. Douglas shoes are made, you would then understand why they hold their shape, fit better, wear longer, and are of greater value than any other makes.

W. L. DOUGLAS \$4.00 GILT EDGE SHOE
CANNOT BE EQUALLED AT ANY PRICE.

W. L. Douglas name and price is stamped on the bottom, which protects the wearer against high prices and inferior shoes. Take no substitute.

W. L. DOUGLAS BOYS' SHOES 75c AND 50c. THE SAME AS MEN'S \$3.50 SHOES, THE SAME LEATHERS, FOR \$1.75 AND \$2.00. Fast Color Equestrian used exclusively. Catalog mailed free. W. L. Douglas, Brockton, Mass.

W. L. Douglas Shoe Store in Richmond: 623 East Broad Street.